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WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)

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EXAMINER

PHAM, MICHAEL

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PAPER NUMBER

2167

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/647,058

Applicant(s)

THOMPSON ET AL.

Examiner

MICHAEL PHAM

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/25/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-20, 23 and 37-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-20, 23 and 37-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Status***

1. Claims 1-11, 13-20, 23, and 37-48 are pending and examined.

***Claim Objections***

2. Prior objections are withdrawn due to amendments.

***Claim Rejections - 35 USC § 112***

3. Prior 112 rejections are withdrawn.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 37-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In view of MPEP 2106.IV.B: Determine Whether the Claimed Invention Falls Within An Enumerated Statutory Category and based on Supreme Court precedent and recent Federal Circuit decisions, a 35 USC § 101 process must:

1) be tied to another statutory class (such as a particular apparatus) (*Diamond v. Diehr*, 450 U.S.175, 184 (1981); *Parker v. Flook*, 437 U.S. 584 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63,70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876))

**OR**

2) transform underlying subject matter (such as an article or materials) to a different state or thing (*Gottschalk v. Benson*, 409 U.S. 63,71 (1972); and *In re Bilksi*, Appeal No. 2007-1130).

In view of the above reasons, claim 37 failed to comply to the above 35 USC § 101 requirements 1) or 2), and therefore are directed to non-statutory subject matter. Dependent claims 38-42 are also rejected for failing to resolve the deficiencies of claim 37.

6. Regarding claims 43-48 these claims recite a 'computer readable storage medium' and 'processor'. In the absence of any modifying disclosure of this limitation in the specification, the examiner interprets the terms 'computer readable medium' as excluding printed paper, transmission media, signals, or any form of energy, and the term 'processor' as limited to hardware embodiments, such that the claim clearly falls within a statutory class of invention as required under the terms of 35 U.S.C. 101.

7. Regarding claims 1-11, 13-20, 23 these claims recite a 'computer readable storage medium' and 'processor'. In the absence of any modifying disclosure of this limitation in the specification, the examiner interprets the terms 'computer readable medium' as excluding printed paper, transmission media, signals, or any form of energy, and the term 'processor' as limited to hardware embodiments, such that the claim clearly falls within a statutory class of invention as required under the terms of 35 U.S.C. 101.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1, 37, and 43 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6018342 by David Bristor (hereafter Bristor) further in view of U.S. Patent 7158962 by Kenneth Nelson (hereafter Nelson).**

**Claim 1:**

Bristor discloses the following claimed limitations:

“A computer system comprising:

a processor coupled to a computer readable storage medium, the computer readable storage medium including” (figure 6, computer system)

“instructions for an operating system, the operating system” (col. 1 line 30, unix)  
“including instructions for a database management program” (col. 7 line 51, classifying user data; col. 8 lines 1-8) “, the instructions for the database management program integrated with instructions for a file system,” (col. 8 lines 41-50) “the file system configured to store file data as filestreams” (figure 1, mystuff; mystuff.txt, mystuff.dat mystuff.c) “and the database management program is configured to generate Items from the file data” (figure 1b elements 112L) “and expose the Items to a shell of the operating system,” (figure 1B) “the Items constituting discrete storable units of information;”(figure 1B element 112L)

“the instructions for the database management program further including instructions for generating a plurality of Item Folders that constitute an organizational structure for said Items”(figure 1B 108) “and each Item Folder includes membership information identifying any relationships with Items;”(figure 1B element 108; col. 8 lines 4-8)

“the instructions for the database management program including instructions for generating a plurality of Categories that constitute an additional organizational structure for said Items,” (abstract lines 3-8)“at least one of said Items belonging to at least one of the Categories,” (figure 1B element 112L) “wherein each Item in a specific Category includes a common attribute that is described for that specific Category” (figure 1C elements 112MA-C, 108M)

Bristor does not explicitly disclose “, wherein the Item Folders are themselves Items” and “Categories are themselves Items”.

On the other hand, Nelson discloses “wherein the Item Folders are themselves Items” (col. 3 lines 59-60, items can be for example folder or a document), and “Categories are themselves items” (col. 1 lines 38-42, each item may exist as the source and/or target)

Bristor and Nelson are both within the same field of endeavor as applicant's invention, as they are both systems of organization. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Nelson's disclosure above to Bristor for the purpose of further categorizing and organizing items.

**Claim 37 :**

Bristor discloses the following claimed limitations: “A method comprising:

executing an operating system” (col. 1 line 30, unix) “, the operating system including a database

management program,”(col. 7 line 51, classifying user data; col. 8 lines 1-8) “the database management program integrated with a file system;” (col. 8 lines 41-50) “storing, by the file system, file data;”(figure 1, mystuff: mystuff.txt, mystuff.dat mystuff.c)

“generating, by the database management program, Items from the file data managing,” (figure 1B element 112L)“wherein each Item of said plurality of items constitutes a discrete unit of information;” (figure 1B element 112L)

“generating, by the database management program from the file data, Item Folders, the Item Folders constituting managing, an organizational structure for said Items,” (figure 1B element 108)

“exposing, by the database management program, the Items and the Item Folders to a shell of the operating system.”(figure 1A-C)

Bristor does not explicitly disclose “wherein the Item Folders are a type of Item”

On the other hand, Nelson discloses “wherein the Item Folders are a type of Item” (col. 3 lines 59-60, items can be for example folder or a document; col. 1 lines 38-42, each item may exist as the source and/or target). Bristor and Nelson are both within the same field of endeavor as applicant's invention, as they are both systems of organization. It would have been obvious to a

person of an ordinary skill in the art at the time the invention was made to have applied Nelson's disclosure above to Bristol for the purpose of further categorizing and organizing items.

**Claim 43 :**

Bristol discloses the following claimed limitations "A computer-readable storage medium including processor executable instructions comprising:

instructions for an operating system," (col. 1 line 30, unix) "the operating system including instructions for a database management program," (col. 7 line 51, classifying data; col. 8 lines 1-8) "the instructions for the database management program integrated with instructions for a file system;" (col. 8 lines 41-50)

"instructions for storing, by the file system, file data;"(figure 1, mystuff: mystuff.txt, mystuff.dat mystuff.c)

"instructions for generating, by the instructions for the database management program, a plurality of Items, said Item comprising a discrete unit of information from the file data;"(figure 1B 112L)

"instructions for generating, by the instructions for the database management program, a plurality of Item Folders from the file data," (figure 1B element 108) "the Item Folders including membership information identifying any relationships with Items and" (figure 1B element 108; col. 8 lines 4-8)

"instructions for generating, by the instructions for the database management program, a plurality of Categories from the file data, the Categories constituting an organizational structure for said Items;"(abstract lines 3-8)



“instructions for exposing, by the database management program, the Items to a shell of the operating system.” (figure 1A-C)

Bristor does not explicitly disclose “the Item Folders are themselves a type of Item”

On the other hand, Nelson discloses “wherein the Item Folders are a type of Item” (col. 3 lines 59-60, items can be for example folder or a document; col. 1 lines 38-42, each item may exist as the source and/or target). Bristor and Nelson are both within the same field of endeavor as applicant's invention, as they are both systems of organization. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Nelson's disclosure above to Bristor for the purpose of further categorizing and organizing items.

**10. Claims 2-3, 5, 7-8, 10, 38, 39, 40-41, 44, 45, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6018342 by David Bristor (hereafter Bristor) further in view of U.S. Patent 7158962 by Kenneth Nelson (hereafter Nelson) U.S. Patent Application Publication 2004/0199521 by Anglin et. al (hereafter Anglin).**

**Claim 2 :**

Bristor and Nelson do not explicitly disclose “wherein an Item is a member of an Item Folder but is not owned by said Item Folder, such that the deletion of said Item Folder does not automatically result in the deletion of said Item.”

On the other hand, Anglin discloses “wherein an Item is a member of an Item Folder but is not owned by said Item Folder, such that the deletion of said Item Folder does not

automatically result in the deletion of said Item.” (See page 3, paragraph [0028] “The secondary deletion ensure that a storage object and corresponding storage object entry are only removed if the storage object is not a member of any further groups after eliminating the relationship between the storage object and group i.” This follows the request to delete the “group leader” which represents the group ID of the “storage group” or the “Item Folder” as in referred to in the claim.)

Bristor, Nelson and Anglin are all directed to the same field of endeavor as applicant’s invention, as they are systems of organization and management. It would have been obvious to a person of an ordinary skill in the art at the time the invention was disclosed to have applied Anglin’s disclosure above to the combination of Bristor and Nelson for the purpose of providing a removal method for the item.

**Claim 3 :**

Bristor and Nelson do not explicitly disclose “wherein an Item is automatically deleted when it no longer belongs to any Item Folder.”

On the other hand, Anglin discloses “wherein an Item is automatically deleted when it no longer belongs to any Item Folder.” (See page 3, paragraph [0029] “If the target group is the only indicated group in the associated groups fields for the specified storage object entry, then the storage management server deletes the specified storage object entry from the storage database and deletes the identifier of the deleted storage object entry from the group entry for the target group.”)

Bristor, Nelson and Anglin are all directed to the same field of endeavor as applicant's invention, as they are systems of organization and management. It would have been obvious to a person of an ordinary skill in the art at the time the invention was disclosed to have applied Anglin's disclosure above to the combination of Bristor and Nelson for the purpose of providing a removal method for the item.

**Claim 5 :**

The combination of Bristor and Nelson do not explicitly disclose "wherein said Item is automatically deleted when it is a member of only one Item Folder and said Item Folder is deleted."

On the other hand, Anglin discloses "wherein said Item is automatically deleted when it is a member of only one Item Folder and said Item Folder is deleted." (See page 3, paragraph [0028] "The secondary deletion ensure that a storage object and corresponding storage object entry are only removed if the storage object is not a member of any further groups after eliminating the relationship between the storage object and group i." This follows the request to delete the "group leader" which represents the group ID of the "storage group" or the "Item Folder" as in referred to in the claim.)

Bristor, Nelson and Anglin are all directed to the same field of endeavor as applicant's invention, as they are systems of organization and management. It would have been obvious to a person of an ordinary skill in the art at the time the invention was disclosed to have applied Anglin's disclosure above to the combination of Bristor and Nelson for the purpose of providing a removal method for the item.

**Claim 7 :**

Bristor and Nestor do not explicitly disclose “wherein each Item is a member of at least one Item Folder but is not owned by said Item Folder, such that the deletion of said Item Folder does not automatically result in the deletion of an Item.”

Anglin discloses “wherein each Item is a member of at least one Item Folder but is not owned by said Item Folder, such that the deletion of said Item Folder does not automatically result in the deletion of an Item.” (See page 3, paragraph [0028] “The secondary deletion ensure that a storage object and corresponding storage object entry are only removed if the storage object is not a member of any further groups after eliminating the relationship between the storage object and group i.” This follows the request to delete the “group leader” which represents the group ID of the “storage group” or the “Item Folder” as in referred to in the claim.)

Bristor, Nelson and Anglin are all directed to the same field of endeavor as applicant’s invention, as they are systems of organization and management. It would have been obvious to a person of an ordinary skill in the art at the time the invention was disclosed to have applied Anglin’s disclosure above to the combination of Bristor and Nelson for the purpose of providing a removal method for the item.

**Claim 8 :**

Bristor and Nestor do not explicitly disclose “wherein each said Item is itself automatically deleted when it no longer belongs to any Item Folder.”

Anglin discloses “wherein each said Item is itself automatically deleted when it no longer belongs to any Item Folder.” (See page 3, paragraph [0029] “If the target group is the only indicated group in the associated groups fields for the specified storage object entry, then the storage management server deletes the specified storage object entry from the storage database and deletes the identifier of the deleted storage object entry from the group entry for the target group.”)

Bristor, Nelson and Anglin are all directed to the same field of endeavor as applicant’s invention, as they are systems of organization and management. It would have been obvious to a person of an ordinary skill in the art at the time the invention was disclosed to have applied Anglin’s disclosure above to the combination of Bristor and Nelson for the purpose of providing a removal method for the item.

**Claim 10 :**

Bristor and Nestor do not explicitly disclose “wherein each said Item is itself automatically deleted when it is a member of only one Item Folder and said Item Folder is deleted.”

Anglin discloses “wherein each said Item is itself automatically deleted when it is a member of only one Item Folder and said Item Folder is deleted.” (See page 3, paragraph [0028] “The secondary deletion ensure that a storage object and corresponding storage object entry are only removed if the storage object is not a member of any further groups after eliminating the relationship between the storage object and group i.” This follows the request to delete the “group leader” which represents the group ID of the “storage group” or the “Item Folder” as in referred to in the claim.)

Bristor, Nelson and Anglin are all directed to the same field of endeavor as applicant's invention, as they are systems of organization and management. It would have been obvious to a person of an ordinary skill in the art at the time the invention was disclosed to have applied Anglin's disclosure above to the combination of Bristor and Nelson for the purpose of providing a removal method for the item.

**Claim 38 :**

Bristor and Nelson do not explicitly disclose "wherein at least one Item is a member of an Item Folder but is not owned by said Item Folder, such that the deletion of said Item Folder does not automatically result in the deletion of said at least one Item."

Anglin discloses "wherein at least one Item is a member of an Item Folder but is not owned by said Item Folder, such that the deletion of said Item Folder does not automatically result in the deletion of said at least one Item." (See page 3, paragraph [0028] "The secondary deletion ensure that a storage object and corresponding storage object entry are only removed if the storage object is not a member of any further groups after eliminating the relationship between the storage object and group i." This follows the request to delete the "group leader" which represents the group ID of the "storage group" or the "Item Folder" as in referred to in the claim.)

Bristor, Nelson and Anglin are all directed to the same field of endeavor as applicant's invention, as they are systems of organization and management. It would have been obvious to a person of an ordinary skill in the art at the time the invention was disclosed to have applied

Anglin's disclosure above to the combination of Bristor and Nelson for the purpose of providing a removal method for the item.

**Claim 39 :**

The combination of Bristor Nelson and Anglin disclose in Anglin "wherein the at least one Item is automatically deleted when it no longer belongs to any Item Folder." (See page 3, paragraph [0029] "If the target group is the only indicated group in the associated groups fields for the specified storage object entry, then the storage management server deletes the specified storage object entry from the storage database and deletes the identifier of the deleted storage object entry from the group entry for the target group.")

**Claim 40 :**

Bristor, Nelson, and Anglin do not explicitly teach said at least one Item, when it no longer belongs to any Item Folder, automatically becomes a member of a default Item Folder. However, Edwards teaches said Item, when it no longer belongs to any Item Folder, automatically becomes a member of a default Item Folder. (See page 3, paragraph [0038] "The synchroniser can be set to 'Recycle' rather than delete files. This means that whenever the synchroniser is to over-write or delete a file, the file is passed to the operating system to be 'recycled'. This means it is not deleted immediately, but stored in an area where it can be retrieved if required." In the instant application, the area in which the item is stored is called the default Item Folder). It would have been obvious to one with ordinary skill in the art to combine the Item and Item folder system of Bristor, Nelson, and Anglin with the disclosure of a recycling method of Edwards by simply adding the recycling method of Edwards to the system of Bristor, Nelson, and Anglin. Edwards

points out the advantage of keeping the potentially deleted file (or in the instant application, the object,) available for future use rather than immediate deletion. It is for this reason that one of ordinary skill in the art would have been motivated to have said Item, when it no longer belongs to any Item Folder, automatically becomes a member of a default Item Folder.

**Claim 41 :**

The combination of Bristor Nelson and Anglin disclose in Anglin "The method of claim 38 wherein the at least one Item is automatically deleted when it is a member of only one Item Folder and said Item Folder is deleted." (See page 3, paragraph [0028] "The secondary deletion ensure that a storage object and corresponding storage object entry are only removed if the storage object is not a member of any further groups after eliminating the relationship between the storage object and group i." This follows the request to delete the "group leader" which represents the group ID of the "storage group" or the "Item Folder" as in referred to in the claim.)

**Claim 44 :**

Bristor and Nelson do not explicitly disclose "wherein at least one Item is a member of an Item Folder but is not owned by said Item Folder, such that the deletion of said Item Folder does not automatically result in the deletion of said Item."

Anglin discloses "wherein the Item is a member of an Item Folder but is not owned by said Item Folder, such that the deletion of said Item Folder does not automatically result in the deletion of said Item." (See page 3, paragraph [0028] "The secondary deletion ensure that a



storage object and corresponding storage object entry are only removed if the storage object is not a member of any further groups after eliminating the relationship between the storage object and group i.” This follows the request to delete the “group leader” which represents the group ID of the “storage group” or the “Item Folder” as in referred to in the claim.)

Bristor, Nelson and Anglin are all directed to the same field of endeavor as applicant’s invention, as they are systems of organization and management. It would have been obvious to a person of an ordinary skill in the art at the time the invention was disclosed to have applied Anglin’s disclosure above to the combination of Bristor and Nelson for the purpose of providing a removal method for the item.

**Claim 45 :**

The combination of Bristor, Nelson and Anglin disclose in Anglin “The computer-readable medium of claim 44 wherein the at least one Item is automatically deleted when it no longer belongs to any Item Folder” (See page 3, paragraph [0029] “If the target group is the only indicated group in the associated groups fields for the specified storage object entry, then the storage management server deletes the specified storage object entry from the storage database and deletes the identifier of the deleted storage object entry from the group entry for the target group.”).

**Claim 47 :**

The combination of Bristor, Nelson and Anglin disclose in Anglin “The computer-readable medium of claim 44 wherein the at least one Item is automatically deleted when it is a member of only one Item Folder and said Item Folder is deleted.” (See page 3, paragraph [0028] “The

secondary deletion ensure that a storage object and corresponding storage object entry are only removed if the storage object is not a member of any further groups after eliminating the relationship between the storage object and group i.” This follows the request to delete the “group leader” which represents the group ID of the “storage group” or the “Item Folder” as in referred to in the claim.)

**Claim 48 :**

The combination of Bristol, Nelson, and Anglin do not explicitly disclose “wherein said at least one item, when it is a member of only one Item Folder and said Item Folder is deleted, automatically becomes a member of a default Item Folder.” However, Edwards teaches said Item, when it is a member of only one Item Folder and said Item Folder is deleted, automatically becomes a member of a default Item Folder. (See page 3, paragraph [0038] “The synchroniser can be set to ‘Recycle’ rather than delete files. This means that whenever the synchroniser is to over-write or delete a file, the file is passed to the operating system to be ‘recycled’. This means it is not deleted immediately, but stored in an area where it can be retrieved if required.” In the instant application, the area in which the item is stored is called the default Item Folder.) It would have been obvious to one with ordinary skill in the art to combine the Item and Item folder system of Bristol, Nelson, and Anglin with the disclosure of a recycling method of Edwards by simply adding the recycling method of Edwards to the system of Bristol, Nelson, and Anglin. Edwards points out the advantage of keeping the potentially deleted file (or in the instant application, the object,) available for future use rather than immediate deletion. It is for this reason that one of ordinary skill in the art would have been motivated to have said Item,

when it is a member of only one Item Folder and said Item Folder is deleted, automatically becomes a member of a default Item Folder.

**11. Claims 4, 6, 9, 11 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6018342 by David Bristor (hereafter Bristor) further in view of U.S. Patent 7158962 by Kenneth Nelson (hereafter Nelson) and U.S. Patent Application Publication 2004/0073560 by Edwards (hereafter Edwards).**

**Claim 4 :**

The combination of Bristor and Nelson do not explicitly disclose "wherein an Item, when it no longer belongs to any Item Folder, automatically becomes a member of a default Item Folder." On the other hand, Edwards teaches more explicitly an Item, when it no longer belongs to any Item Folder, automatically becomes a member of a default Item Folder. (See page 3, paragraph [0038] "The synchroniser can be set to 'Recycle' rather than delete files. This means that whenever the synchroniser is to over-write or delete a file, the file is passed to the operating system to be 'recycled'. This means it is not deleted immediately, but stored in an area where it can be retrieved if required." In the instant application, the area in which the item is stored is called the default Item Folder). It would have been obvious to one with ordinary skill in the art to combine the Item and Item folder system of Bristor and Nelson with the disclosure of a recycling method of Edwards by simply adding the recycling method of Edwards to the system of Bristor and Nelson. Edwards points out the advantage of keeping the potentially deleted file (or in the instant application, the object,) available for future use rather than immediate deletion.

It is for this reason that one of ordinary skill in the art would have been motivated to have an Item, when it no longer belongs to any Item Folder, automatically becomes a member of a default Item Folder.

**Claim 6 :**

Bristor and Nelson do not explicitly disclose “said Item, when it is a member of only one Item Folder and said Item Folder is deleted, automatically becomes a member of a default Item Folder.” However, Edwards teaches said Item, when it is a member of only one Item Folder and said Item Folder is deleted, automatically becomes a member of a default Item Folder. (See page 3, paragraph [0038] “The synchroniser can be set to ‘Recycle’ rather than delete files. This means that whenever the synchroniser is to over-write or delete a file, the file is passed to the operating system to be ‘recycled’. This means it is not deleted immediately, but stored in an area where it can be retrieved if required.” In the instant application, the area in which the item is stored is called the default Item Folder.) It would have been obvious to one with ordinary skill in the art to combine the Item and Item folder system of Bristor and Nelson with the disclosure of a recycling method of Edwards by simply adding the recycling method of Edwards to the system of Bristor and Nelson. Edwards points out the advantage of keeping the potentially deleted file (or in the instant application, the object,) available for future use rather than immediate deletion. It is for this reason that one of ordinary skill in the art would have been motivated to have said Item, when it is a member of only one Item Folder and said Item Folder is deleted, automatically becomes a member of a default Item Folder.

**Claim 9 :**

Bristor and Nelson do not explicitly teach “each said Item, when each no longer belongs to any Item Folder, automatically become members of a default Item Folder.” Nelson does disclose col. 5 lines 54-56, No folder exists matching these attributes. Consequently, the library server 25 creates a folder with the following attributes. However, Edwards more explicitly teaches each said Item, when each no longer belongs to any Item Folder, automatically become members of a default Item Folder. (See page 3, paragraph [0038] “The synchroniser can be set to ‘Recycle’ rather than delete files. This means that whenever the synchroniser is to over-write or delete a file, the file is passed to the operating system to be ‘recycled’. This means it is not deleted immediately, but stored in an area where it can be retrieved if required.” In the instant application, the area in which the item is stored is called the default Item Folder.) It would have been obvious to one with ordinary skill in the art to combine the Item and Item folder system of Bristor and Nelson with the disclosure of a recycling method of Edwards by simply adding the recycling method of Edwards to the system of Bristor and Nelson. Edwards points out the advantage of keeping the potentially deleted file (or in the instant application, the object,) available for future use rather than immediate deletion. It is for this reason that one of ordinary skill in the art would have been motivated to have each said Item, when each no longer belongs to any Item Folder, automatically become members of a default Item Folder.

**Claim 11 :**

Bristor and Nelson do not explicitly teach each said Item, when each is a member of only one Item Folder and said Item Folder is deleted, automatically become members of a default Item Folder. Nelson does disclose col. 5 lines 54-56, No folder exists matching these attributes. Consequently, the library server 25 creates a folder with the following attributes. However, Edwards teaches each said Item, when each is a member of only one Item Folder and said Item Folder is deleted, automatically become members of a default Item Folder. (See page 3, paragraph [0038] “The synchroniser can be set to ‘Recycle’ rather than delete files. This means that whenever the synchroniser is to over-write or delete a file, the file is passed to the operating system to be ‘recycled’. This means it is not deleted immediately, but stored in an area where it can be retrieved if required.” In the instant application, the area in which the item is stored is called the default Item Folder.) It would have been obvious to one with ordinary skill in the art to combine the Item and Item folder system of Bristor and Nelson with the disclosure of a recycling method of Edwards by simply adding the recycling method of Edwards to the system of Bristor and Nelson. Edwards points out the advantage of keeping the potentially deleted file (or in the instant application, the object,) available for future use rather than immediate deletion. It is for this reason that one of ordinary skill in the art would have been motivated to have each said Item, when each is a member of only one Item Folder and said Item Folder is deleted, automatically become members of a default Item Folder.

**12. Claims 13-20 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.**

**Patent 6018342 by David Bristor (hereafter Bristor) further in view of U.S. Patent 7158962**

by Kenneth Nelson (hereafter Nelson) and U.S. Patent 6578046 by Chang et. al. (hereafter Chang).

**Claim 13 :**

Bristor and Nelson do not explicitly disclose “The computer system of claim 1 wherein a category is defined by an Item property.” Nelson discloses col. 4 lines 60-62, automatic linking rules for that item type. These rules are stored in a separate table in the library server. However, Chang more explicitly teaches a Category is defined by an Item property. (See column 13, lines 26-30 “In the preferred embodiment, a FederatedCollection allows an application program to process data objects resulting from a query as a group or collection and at the same time preserves the sub-groupings relationships that exist between them.” Simply by the Category being formed as the result of a query, the Item property is necessarily what defined the Category, as the data must meet the Item property in order to be a result of the query.) It would have been obvious to one with ordinary skill in the art to combine the system as disclosed in Bristor and Nelson with the disclosure of Chang because it would be logical to use the Item property as what defines the categories, especially in the case of a query. It is for this reason that one of ordinary skill in the art would have been motivated to have a Category is defined by an Item property.

**Claim 14 :**

Bristor, and Nelson do not explicitly disclose “wherein one of said plurality of Categories is defined by an Item Property and only an Item comprising the Item property for a specific Category from among said plurality of Categories can be a member of said specific Category.” The combination of Bristor and Nelson disclose in Nelson col. 4 lines 60-62, automatic linking

rules for that item type. These rules are stored in a separate table in the library server. However, Chang teaches more explicitly wherein one of said plurality of Categories is defined by an Item Property and only an Item comprising the Item property for a specific Category from among said plurality of Categories can be a member of said specific Category. (See column 13, lines 26-30 “In the preferred embodiment, a FederatedCollection allows an application program to process data objects resulting from a query as a group or collection and at the same time preserves the sub-groupings relationships that exist between them.” Simply by the Category being formed as the result of a query, the Item property is necessarily what defined the Category, as the data must meet the Item property in order to be a result of the query. Also, by the nature of queries only returning the results that are related, the only members of the Category will be from results that comprise the Item property.) It would have been obvious to one with ordinary skill in the art to combine the system as disclosed in Bristor and Nelson with the disclosure of Chang because it would be logical to use the Item property as what defines the categories, especially in the case of a query. It is for this reason that one of ordinary skill in the art would have been motivated to have one of said plurality of Categories is defined by an Item property, and only an Item comprising the Item property for a specific Category from among said plurality of Categories can be a member of said specific Category.

**Claim 15 :**

Bristor and Nelson do not explicitly disclose an Item comprising the Item property for one of said plurality of Categories is automatically a member of that one of said plurality of Categories. However, Chang teaches an Item comprising the Item property for one of said plurality of Categories is automatically a member of that one of said plurality of Categories. (See column 13,



lines 26-30 “In the preferred embodiment, a FederatedCollection allows an application program to process data objects resulting from a query as a group or collection and at the same time preserves the sub-groupings relationships that exist between them.” By the nature of queries only returning the results that are related, the only members of the Category will be from results that comprise the Item property. Here, all of the results of the query are included in on the collection [referred to in the instant application as a category].) It would have been obvious to one with ordinary skill in the art to combine the system as disclosed in Bristol and Nelson with the disclosure of Chang because keeping the results of the query, all of which exhibit a relationship, is useful in that the query will not have to be run again. It is for this reason that one of ordinary skill in the art would have been motivated to include an Item comprising the Item property for one of said plurality of Categories is automatically a member of that one of said plurality of Categories.

**Claim 16 :**

Bristol and Nelson do not explicitly disclose an Item comprising one or more Item properties corresponding to one or more Categories of said plurality of Categories is automatically a member of each such Categories for said corresponding Item properties. However, Chang teaches an Item comprising one or more Item properties corresponding to one or more Categories of said plurality of Categories is automatically a member of each such Categories for said corresponding Item properties. (See column 13, lines 26-30 “In the preferred embodiment, a FederatedCollection allows an application program to process data objects resulting from a query as a group or collection and at the same time preserves the sub-groupings relationships that exist between them.” By the nature of queries only returning the results that are related, the only

members of the Category will be from results that comprise the Item property. Here, all of the results of the query are included in on the collection [referred to in the instant application as a category].) It would have been obvious to one with ordinary skill the art to combine the system as disclosed in Bristol and Nelson with the disclosure of Chang because keeping the results of the query, all of which exhibit a relationship, is useful in that the query will not have to be run again. It is for this reason that one of ordinary skill in the art would have been motivated to include an Item comprising one or more Item properties corresponding to one or more Categories of said plurality of Categories is automatically a member of each such Categories for said corresponding Item properties.

**Claim 17:**

Bristol and Nelson do not explicitly discloses “wherein each of said plurality of categories is defined by an item property.” Nelson does disclose col. 4 lines 60-62, automatic linking rules for that item type. These rules are stored in a separate table in the library server. However, Chang more explicitly teaches each of said plurality of Categories is defined by an Item property. (See column 13, lines 26-30 “In the preferred embodiment, a FederatedCollection allows an application program to process data objects resulting from a query as a group or collection and at the same time preserves the sub-groupings relationships that exist between them.” Simply by the Category being formed as the result of a query, the Item property is necessarily what defined the Category, as the data must meet the Item property in order to be a result of the query.) It would have been obvious to one with ordinary skill the art to combine the system as disclosed in Bristol and Nelson with the disclosure of Chang because it would be logical to use the Item property as

what defines the categories, especially in the case of a query. It is for this reason that one of ordinary skill in the art would have been motivated to have each of said plurality of Categories is defined by an Item property.

**Claim 18 :**

Bristor and Nelson do not explicitly teach each of said plurality of Categories is defined by an Item property, and only Items comprising the Item property for a specific Category from among said plurality of Categories can be members of said specific Category. However, Chang teaches each of said plurality of Categories is defined by an Item property, and only Items comprising the Item property for a specific Category from among said plurality of Categories can be members of said specific Category. (See column 13, lines 26-30 “In the preferred embodiment, a FederatedCollection allows an application program to process data objects resulting from a query as a group or collection and at the same time preserves the sub-groupings relationships that exist between them.” Simply by the Category being formed as the result of a query, the Item property is necessarily what defined the Category, as the data must meet the Item property in order to be a result of the query. Also, by the nature of queries only returning the results that are related, the only members of the Category will be from results that comprise the Item property.) It would have been obvious to one with ordinary skill in the art to combine the system as disclosed in Bristor and Nelson with the disclosure of Chang because it would be logical to use the Item property as what defines the categories, especially in the case of a query. It is for this reason that one of ordinary skill in the art would have been motivated to have each

of said plurality of Categories is defined by an Item property, and only Items comprising the Item property for a specific Category from among said plurality of Categories can be members of said specific Category.

**Claim 19 :**

Bristor and Nelson do not explicitly teach each Item comprising the Item property for one of said plurality of Categories are automatically members of that one of said plurality of Categories. However, Chang teaches each Item comprising the Item property for one of said plurality of Categories are automatically members of that one of said plurality of Categories. (See column 13, lines 26-30 “In the preferred embodiment, a FederatedCollection allows an application program to process data objects resulting from a query as a group or collection and at the same time preserves the sub-groupings relationships that exist between them.” By the nature of queries only returning the results that are related, the only members of the Category will be from results that comprise the Item property. Here, all of the results of the query are included in on the collection [referred to in the instant application as a category].) It would have been obvious to one with ordinary skill the art to combine the system as disclosed in Bristor and Nelson with the disclosure of Chang because keeping the results of the query, all of which exhibit a relationship, is useful in that the query will not have to be run again. It is for this reason that one of ordinary skill in the art would have been motivated to include each Item comprising the Item property for one of said plurality of Categories are automatically members of that one of said plurality of Categories.

**Claim 20 :**

Bristor and Nelson do not explicitly teach all Items comprising one or more Item properties corresponding to one or more Categories of said plurality of Categories are automatically members of all such Categories for said corresponding Item properties. However, Chang teaches all Items comprising one or more Item properties corresponding to one or more Categories of said plurality of Categories are automatically members of all such Categories for said corresponding Item properties. (See column 13, lines 26-30 “In the preferred embodiment, a FederatedCollection allows an application program to process data objects resulting from a query as a group or collection and at the same time preserves the sub-groupings relationships that exist between them.” By the nature of queries only returning the results that are related, the only members of the Category will be from results that comprise the Item property. Here, all of the results of the query are included in on the collection [referred to in the instant application as a category].) It would have been obvious to one with ordinary skill the art to combine the system as disclosed in Bristor and Nelson with the disclosure of Chang because keeping the results of the query, all of which exhibit a relationship, is useful in that the query will not have to be run again. It is for this reason that one of ordinary skill in the art would have been motivated to include all Items comprising one or more Item properties corresponding to one or more Categories of said plurality of Categories are automatically members of all such Categories for said corresponding Item properties.

**13. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6018342 by David Bristor (hereafter Bristor) further in view of U.S. Patent 7158962 by Kenneth Nelson (hereafter Nelson) and U.S. Patent 6438545 by Beauregard et. al. (hereafter Beauregard)**

**Claim 23 :**

Bristor and Nelson do not explicitly disclose “a virtual machine manager”. However, Beauregard teaches said Item is a fundamental unit of information manipulated by a virtual machine manager. (See column 13, lines 12-16 “This broad I/O capability can be provided under the Virtual Machine Manager (VMM) that is available under Win32. The VMM is an extensible operating system whose core and standard components are provided by Microsoft Corporation.”) Because of the advantages provided by VMM as taught in Beauregard, such as the broad I/O capability, it would have been obvious to one with ordinary skill in the art to combine the VMM of Beauregard with the teaching of Bristor and Nelson. It is for this reason that one of ordinary skill in the art would have been motivated to have said Item is a fundamental unit of information manipulated by a virtual machine manager.

**14. Claims 42 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6018342 by David Bristor (hereafter Bristor) further in view of U.S. Patent 7158962 by Kenneth Nelson (hereafter Nelson) U.S. Patent Application Publication 2004/0199521 by Anglin et. al (hereafter Anglin) and U.S. Patent Application Publication 2004/0073560 by Edwards (hereafter Edwards).**

**Claim 42 :**

Bristor, Nelson, and Anglin do not explicitly teach said at least one Item, when it is a member of only one Item Folder and said Item Folder is deleted, automatically becomes a member of a default Item Folder. However, Edwards teaches said Item, when it is a member of only one Item Folder and said Item Folder is deleted, automatically becomes a member of a default Item Folder. (See page 3, paragraph [0038] “The synchroniser can be set to ‘Recycle’ rather than delete files. This means that whenever the synchroniser is to over-write or delete a file, the file is passed to the operating system to be ‘recycled’. This means it is not deleted immediately, but stored in an area where it can be retrieved if required.” In the instant application, the area in which the item is stored is called the default Item Folder.) It would have been obvious to one with ordinary skill in the art to combine the Item and Item folder system of Bristor, Nelson, and Anglin with the disclosure of a recycling method of Edwards by simply adding the recycling method of Edwards to the system of Bristor, Nelson, and Anglin. Edwards points out the advantage of keeping the potentially deleted file (or in the instant application, the object,) available for future use rather than immediate deletion. It is for this reason that one of ordinary skill in the art would have been motivated to have said Item, when it is a member of only one Item Folder and said Item Folder is deleted, automatically becomes a member of a default Item Folder.

**Claim 46 :**

Bristor , Nelson, and Anglin do not explicitly disclose “said at least one Item, when it no longer belongs to any Item Folder, automatically becomes a member of a default Item Folder.”

However, Edwards teaches said Item, when it no longer belongs to any Item Folder, automatically becomes a member of a default Item Folder. (See page 3, paragraph [0038] “The synchroniser can be set to ‘Recycle’ rather than delete files. This means that whenever the synchroniser is to over-write or delete a file, the file is passed to the operating system to be ‘recycled’. This means it is not deleted immediately, but stored in an area where it can be retrieved if required.” In the instant application, the area in which the item is stored is called the default Item Folder) It would have been obvious to one with ordinary skill in the art to combine the Item and Item folder system of Bristol , Nelson, and Anglin with the disclosure of a recycling method of Edwards by simply adding the recycling method of Edwards to the system of Bristol , Nelson, and Anglin. Edwards points out the advantage of keeping the potentially deleted file (or in the instant application, the object,) available for future use rather than immediate deletion. It is for this reason that one of ordinary skill in the art would have been motivated to have said Item, when it no longer belongs to any Item Folder, automatically becomes a member of a default Item Folder.

#### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-11, 13-20, 23, and 37-48 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

16. The prior art made of record listed on pto-892 and not relied, if any, upon is considered pertinent to applicant's disclosure.



17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Contact Information***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PHAM whose telephone number is (571)272-3924. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. P./  
Examiner, Art Unit 2167

/John R. Cottingham/  
Supervisory Patent Examiner, Art Unit  
2167

